

Repealed by Ord. 37 of 1935.

CHAPTER 164.

PLANT DISEASES AND PESTS (PREVENTION).

[No. XXVI of 1920.]

[23rd October, 1920.]

Short title.

1. This Ordinance may be cited as the Plant Diseases and Pests (Prevention) Ordinance.

Interpretation.

2.—(1) In this Ordinance—

“plant disease” means and includes the rind disease, root disease, sereh and leaf disease of sugar cane, witch broom, canker, black rot, and brown rot of cacao;

witch broom, thread blight and leaf disease of coffee; Panama disease and Surinam disease of plantains and bananas;

“smut” of Indian corn;

bud rot and root disease of the coconut palm;

anthracnose of fruit trees, and vines;

black heart and “wilt” of pine-apples;

anthracnose and rust of cotton plant;

root disease, stem disease and leaf disease of Para rubber;

love vine (*cuscuta spp.*);

bird vine or mistletoe (*loranthus spp.*) of Para rubber, cacao, coffee, citrus, and other fruit trees;

citrus knot, withertip, and blossom blight of citrus trees; and any other disease to which this Ordinance is made applicable by order of the Board of Agriculture.

(2) In this Ordinance—

“pest” means and includes the giant moth borer, mealy bug, wood ants, beetles, locusts, frog-hoppers, and cane fly on sugar cane;

the leaf-eating caterpillar, weevil borers, and beetles on coconut and other palms;

rice bug, rice fly, and grasshoppers on rice;

thrips and cacao beetles on cacao;

scale insects and leaf insects on coffee;

scale insects, wood ants and leaf-eating caterpillars on Para rubber;
 leaf-eating caterpillars, scale insects and white-fly on citrus trees;
 giant moth-borer, and bees on plantains and bananas;
 fruit flies and scale insects on fruit trees;
 leaf-eating caterpillars, aphides and weevils and scale insects on ground provisions;
 acoushi or parasol ants attacking any crop;
 and any other pests to which this Ordinance is made to apply by order of the Board of Agriculture.

(3) In this Ordinance—

- “the Board” means the Board of Agriculture established by the Board of Agriculture Ordinance;
- “the Comptroller” means the Comptroller of Customs;
- “land” includes any plantation, farm or village;
- “premises” includes any house or other building

Chapter 150.

3.—(1) The Board, whenever it appears expedient to do so, may by order, to be published in the Gazette, prohibit the importation of any seeds, plants, or any description of earth or soil, or any article packed therewith, or any package, covering or thing, having come directly or indirectly from any country or place named in the order which are likely to be the means of introducing any plant disease from that country or place.

Prohibition or restriction of importation of plants.

(2) In like manner the Board may prescribe the conditions under which alone shall be permitted the importation of any of the articles aforesaid that have come directly or indirectly from any country or place named in the order.

4. Any of the articles aforesaid so coming from any country or place the importation wherefrom is for the time being prohibited, and any of the articles aforesaid so arriving from a country or place the importation wherefrom is permitted upon conditions only, until and unless those conditions have been observed to the satisfaction of the Comptroller, shall be deemed to be prohibited goods within the meaning of the Customs Ordinance, and any conditions aforesaid shall be deemed to be restrictions within the meaning of that Ordinance.

Articles which are to be deemed prohibited or restricted goods under Customs Ordinance.

Chapter 33.

5. So long as any order aforesaid is in force, any of the articles so coming from parts beyond the sea may be deemed to have come from a place the importation wherefrom is so

Burden of proof that goods not prohibited or restricted.

prohibited, and may be treated accordingly, unless the importer satisfies the Comptroller to the contrary.

Powers of the Board.

6. The Board, whenever it appears expedient to do so, may by order—

Infected area.

(a) declare the colony or any part thereof to be infected with any plant disease or pest, or with more than one plant disease or pest;

Treatment of plants.

(b) without making or in addition to making an order under the preceding paragraph, specify the treatment to be followed in regard to any plants in the colony or in any part thereof for the purpose of preventing in any manner the spread of any plant disease or pest.

Appointment of inspectors.

7.—(1) The Board may appoint as inspectors for the purposes of this Ordinance any government medical officer, the inspector of districts, and any officer of the Local Government Board or of the Lands and Mines department or of the Board of Agriculture, the Chief Commissary and any commissary of taxation, any officer of a village or country district, any officer or non-commissioned officer of police in charge of a district police station, any proprietor or manager of a plantation or farm, and any other officer or person whom the Board considers it desirable to appoint, and, with the consent of the Mayor and Town Council of Georgetown or New Amsterdam, may appoint as inspectors any municipal officers of that city or town.

(2) The Board may assign to an inspector for his supervision any district it directs.

(3) When it comes to the knowledge of an inspector that a destructive plant disease or pest exists in the district under his supervision he shall without delay report the existence thereof to the Director of Science and Agriculture.

Declaration of infected area.

8.—(1) When the Director of Science and Agriculture is satisfied that a plant disease or pest exists in any lands or premises, he shall forthwith make and sign a statement thereof and transmit the statement to the Board.

(2) The Board shall forthwith on receipt of the statement proceed to consider it and, if satisfied that this course is expedient or necessary, may by order determine and declare the place an infected area and prescribe the limits of that area and may by that or any other order declare

any additional lands or premises specified therein in the neighbourhood of the affected area to be part of the infected area for the purposes of this Ordinance.

(3) The Board may, from time to time, extend, contract, or otherwise alter, the limits of any infected area.

9.—(1) When a part of the colony is declared by the Board to be an infected area, the Board shall issue an order detailing the treatment to be adopted on any lands or premises within the infected area and the conditions under which they shall be carried on by the occupiers thereof so as to prevent or to restrict the spread of plant diseases and pests.

Treatment
of infected
area.

(2) Any order made under the foregoing sub-section may—

(a) direct or authorise the removal or destruction of any crop, trees, bushes, or other substances on which the plant disease or pest in any stage of existence is found, or by means whereof it appears to the Board likely to spread;

(b) direct or authorise the persons specified in the order to enter any lands or premises within the infected area for the purposes of that destruction or removal, or for examination or inquiry, or for any other purpose; but the entry shall only take place between the hours of six in the forenoon and six in the afternoon.

(3) If admission to any lands or premises so specified is refused by the occupier, any magistrate, on complaint thereof upon oath by an officer of the Board or a person specified in the order, may order in writing the occupier to admit him into the lands or premises during the hours aforesaid; and if no occupier can be found, the magistrate shall, upon oath made before him by anyone of that fact, authorise in writing anyone mentioned in the order to enter the lands or premises during the hours aforesaid.

Powers of
entry.

(4) Any order made by a Magistrate for admission to lands or premises shall be in force so long as the district continues to be an infected area.

10.—(1) If the occupier of any lands or premises subject to any order neglects or refuses to carry out the treatment, or to conform to the conditions prescribed in the order, the Board may authorise anyone to enter the lands or premises and carry out the treatment and conform to the conditions

In cases of
neglect or
refusal to
comply with
order.

so prescribed, and the secretary of the Board may on the order of the Board recover against the occupier by parate execution the cost incurred in connection therewith.

(2) A certificate purporting to be signed by the secretary of the Board that a specified sum is the amount of the cost so incurred shall, without any proof of the signature, be received in all courts as proof of the fact until the contrary is proved.

Variation or
revocation of
any order.

11. The Board may—

(a) at any time vary or revoke any order made by it under the provisions of this Ordinance;

Compensa-
tion.

(b) out of any moneys provided by the Legislative Council for the purpose, direct or authorise payment of compensation for crops, trees, or bushes, removed or destroyed under an order, but the compensation shall not exceed half their value as assessed by the Board for diseased crops, or three-quarters of their value assessed for other crops; and in determining the amount of any compensation the decision of the Board shall be final;

Appointment
of officers.

(c) appoint the officers and other persons it considers necessary for the proper carrying out of the provisions of this Ordinance and of all orders made under it.

Obstructing
officer.

12. Everyone who obstructs a person authorised by an order of the Board in the execution thereof, or who fails to comply therewith, shall on summary conviction thereof be liable for each offence to a penalty not exceeding one hundred dollars.

Penalty.

Certain
officers may
take
independent
action.
Procedure
thereupon :

13. Notwithstanding anything in this Ordinance hereinafter contained, any officer appointed and authorised in writing in that behalf by the Board may, whenever he considers it necessary, take without reference to the Board any steps which might have been taken under an order of the Board under the provisions of this Ordinance :

Proviso.

Provided that when the officer exercises that discretion he shall immediately communicate the fact to the Board, which shall consider all the circumstances of the case and either approve or not of the action taken by the officer as to it seems expedient.

14.—(1) Where the Board approves of the action taken by the officer under the provisions of the preceding section the action shall for all purposes be deemed to have been taken by direction of the Board, and the officer shall be deemed to have been authorised to take it by the Board, and any act, thing, or condition precedent, required by law to be performed in connection with the performance of the act or of subsequent acts in connection therewith shall be deemed to have been performed.

Consideration by the Board of that action.

(2) Where the Board does not approve of the action so taken it shall immediately communicate the fact to the officer, together with any instructions it considers necessary, and he shall thereupon refrain from taking any further steps other than those specified by the Board in connection therewith.

(3) All acts done and orders given by the officer in connection therewith up to the time of compliance with the instructions (if any) of the Board shall be deemed to have been lawfully done, and neither he nor the Board shall be in any way liable for any action taken in connection therewith.
